

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MICHAEL MUEHL,

Plaintiff,

ORDER

v.

09-cv-16-bbc

BELINDA SCHRUBBE, Health Service Manager;
MARY SLINGER, Registered Nurse;
FRAN JENNINGS, Registered Nurse;
GAIL WALTZ, Registered Nurse;
CHARLENE REITZ, Registered Nurse; and

Defendants.

In this case, plaintiff Michael Muehl is proceeding on his claims that defendants Schrubbe, Slinger, Reitz and Jennings failed to provide him appropriate care for a MRSA infection and that defendants Reitz, Waltz and Schrubbe failed to provide him appropriate care for his wounds after he cut himself. Now plaintiff has filed a motion to compel defendants to respond to his third request for production of documents.

In that request, plaintiff asks for a copy of the pass he was issued from the health services unit for daily showers and daily dressing changes from October 23 though October 30, 2007. Defendants responded that they found no documents responsive to this request.

In his response to the motion to compel, defendants' counsel has submitted an affidavit stating that staff assured her again that they could not find any such document in plaintiff's records. If the document does not exist, defendants cannot produce it. Therefore, plaintiff's motion to compel will be denied.

ORDER

IT IS ORDERED that plaintiff's motion to compel defendants to respond to his third request for production of documents, dkt. #49, is DENIED.

Entered this 13th day of August, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge